

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ALFRED LEE MAULDIN,

Petitioner,

v.

CIVIL ACTION NO. 5:17-cv-02312
(Consolidated with Civil Action No. 5:17-cv-02626)

D. L. YOUNG, *Warden, FCI Beckley,*

Respondent.

MEMORANDUM OPINION AND ORDER

The Petitioner, proceeding *pro-se*, has filed two Petitions for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Document 3 in Case No. 5:17-cv-02312 & Document 1 in Case No. 5:17-cv-02626). The Petitioner has also filed a Motion to Issue an Injunction Against the Warden and Adm/Staff to Stop Withholding Legal Mail (Document 46 in Case No. 5:17-cv-2312).


These consolidated actions were referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On January 18, 2019, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 56) wherein it is recommended that the Petitioner's two Petitions for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 be denied; the Petitioner's Motion to Issue an Injunction Against the Warden and Adm/Staff to Stop Withholding Legal Mail be denied as moot; and the consolidated actions be dismissed from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 4, 2019, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that: the Petitioner's two Petitions for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Document 3 in Case No. 5:17-cv-02312 & Document 1 in Case No. 5:17-cv-02626) be **DENIED**; the Petitioner's Motion to Issue an Injunction Against the Warden and Adm/Staff to Stop Withholding Legal Mail (Document 46 in Case No. 5:17-cv-2312) be **DENIED AS MOOT**; and these consolidated actions be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: February 7, 2019


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA